UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/68/Add.1
11 January 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 12 (a) of the provisional agenda

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy

Addendum

Communications to and from Governments

GE.99-10070 (E)

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Introduction

1. At its fifty-fourth session, the Commission on Human Rights, in its resolution 1998/52, requested all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications. The Commission, furthermore, welcomed the efforts by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and consequences, in particular, where appropriate by sending joint urgent action appeals and communications with other special rapporteurs.

2. The Special Rapporteur has produced a standard reporting form to be used to document alleged instances of violence against women (annex). In this connection, it should be emphasized once more that, in accordance with her mandate, the Special Rapporteur is in a position only to process cases of alleged violence against women which are gender-specific, that is violence or threats of violence directed against women because of their gender.

3. The Special Rapporteur wishes to inform the Commission that she has transmitted communications to the Governments of China, Guatemala, Indonesia, Iran (Islamic Republic of), Israel, Mexico, Nepal, Peru, Saudi Arabia, Sri Lanka, Trinidad and Tobago, Tunisia and Turkey. The Special Rapporteur regrets to inform the Commission that only the Governments of Guatemala, Indonesia, Mexico, Sri Lanka and Turkey replied to her request for clarification.

INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

China

4. On 10 December 1998 the Special Rapporteur sent a joint urgent appeal, with the Special Rapporteurs on the question of torture and freedom of opinion and expression, to the Government concerning two Tibetan nuns, Ms. Ngawang Sandrol and Ms. Ngawang Choezom, from the Chubsang nunnery. The two nuns are said to be in extremely poor physical condition after having been subjected to harsh interrogation and ill-treatment in Drapchi prison, Tibet. They have reportedly been placed in solitary confinement after the alleged suppression of prisoners' demonstrations inside Drapchi prison on 1 and 4 May 1998. Fears were expressed that the nuns are at serious risk of torture and sexual assault while in solitary confinement. The Special Rapporteurs appealed to the Government to ensure that the rights of the two nuns to physical and mental integrity are protected.

Guatemala

5. By letter dated 30 July 1998 the Special Rapporteur informed the Government that she had received reports alleging that at approximately 3 a.m. on 17 June 1998, men armed with grenades, machetes and firearms assaulted a group of 30 members of Mama Maquin, a women's organization which works with returned refugees and displaced people in Guatemala, as they were returning

from a meeting in the returned refugee community of Victoria 20 de Enero, Ixcan municipality, El Quiche department. It is reported that the assailants beat several women with the broadsides of their machetes and stole their personal goods. They allegedly tore up the papers from the meeting and cursed the women and their organization. According to information received, the same day members of Mama Maquin in Guatemala city received death threats and messages of intimidation from unidentified men urging them to give up their struggle on behalf of returned refugee women. The information suggests that these actions are connected to their activities as defenders of women's rights in Guatemala. The Special Rapporteur expressed the hope that the Government would investigate the allegations and take immediate action to bring the alleged perpetrators to trial, in order to comply with its international obligations.

6. The Government replied that it had contacted Mama Maquin and held meetings to investigate the facts. A complaint will be submitted by Mama Maquin to the District Attorney's Office (Fiscalía Distrital) of the Public Ministry of Alta Verapez, and the organization will present the case during the week of 23 to 28 November 1998. The Government has guaranteed that representatives of the Office for the Defence of Women of the Office of the General Attorney for Human Rights (Defensoría de la Mujer de la Procuraduría de los Derechos Humanos) and the Unit for Women of the Prosecutor General's Office (la Unidad de la Mujer de la Procuraduría General de la Nación) will accompany Mama Maquin to this hearing.

Indonesia

7. In a joint communication with the Special Rapporteur on the question of torture dated 27 July 1998, the Special Rapporteur expressed concern over the case of Ms. Rosita Gomes Pereira, who was allegedly raped on 1 May 1998 by two members of the military in Darnei, a hamlet close to the village of Poetete, Ermera district, East Timor. It is reported that the perpetrators were two soldiers from the Lulirema military post, in the village of Coliate, Hatolia, Ermera district. The Special Rapporteurs encouraged the Government to investigate the allegations.

8. On 23 July 1998, in a joint communication with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur communicated her concern over the allegations of violence against the ethnic Chinese population in Indonesia. During the riots in May 1998, widespread and systematic rapes of ethnic Chinese women were reported. It is alleged that some of the victims were targeted specifically because of their Chinese origin. The police and security forces may have been involved in these acts, according to witnesses who cited the organized nature of the assaults and gave physical descriptions of the perpetrators.

9. Human rights and women's aid groups have reportedly received telephone threats to stop their investigations and assistance to the rape victims, and witnesses and victims who have given evidence to the Indonesian human rights commission have also allegedly been threatened. The Special Rapporteur expressed the hope that the Government would take action to ensure that adequate protection is provided to the ethnic Chinese population.

10. The Government expressed deep regret and strongly condemned the atrocities perpetrated during the May riots, in particular the rape of Chinese women. In addition to measures taken to investigate the cases of human rights violations, the Government provided information on the efforts being made to address the issue of violence against women including, inter alia, a forum called "Kata Bunga" established by the Ministry for Women's Affairs to conduct studies and formulate recommendations to the Government on how to provide adequate assistance to victims of these incidents; on 8 July 1998 the Government formed a task force for the protection of women against violence through the provision of post-traumatic care; on 15 July 1998 the National Committee for the Prevention of Violence against Women was created with a view to implementing the National Programme on the Elimination of Violence against Women which has been incorporated into the National Plan of Action on Human Rights 1998-2003 launched on 25 June 1998; both a government and an independent fact-finding team were formed and given three months to investigate the incidents which occurred in May 1998.

11. On 9 November the Special Rapporteur communicated her concerns to the Government over the case of Ms. Ita Martadinata Haryono, who was murdered in her home in Jakarta on 9 October 1998. Ms. Haryono's mother is a member of the Volunteer Team for Humanity (Tim Relawan), one of the organizations investigating the rapes of ethnic Chinese women in Indonesia. Ms. Haryono had herself taken part in many of the group's activities, and had been preparing to travel to the United States with some of the rape victims to testify before a human rights body. It is alleged that the murder was meant as a warning and represented an escalation of the campaign to terrorize persons and organizations investigating the May riots. The three most visible members of Tim Relawan, Father Sandyawan, Ms. Karlina Leksono and Ms. Ita Fathia Nadia, have reportedly been threatened repeatedly since the issue of the rapes first arose. The Special Rapporteur expressed her concern that the information suggests that these incidents are directly linked to their activities in the human rights field.

Iran (Islamic Republic of)

12. By letter dated 30 July 1998 the Special Rapporteur advised the Government that she had received information indicating that the Majlis (the Islamic consultative assembly) had introduced bills that, if passed, would segregate hospital care, forbid using pictures of women on the front page of Iranian publications and curtail discussions of women's rights outside the Shari'a. It is feared that this may exacerbate and be used to justify violence against women by marginalizing them and placing restrictions on their access to the public domain. The Special Rapporteur communicated her concern and requested clarification from the Government in regard to the new legislation, and how such legislation is being brought into compliance with the provisions of international law.

Israel

13. On 12 August 1998 the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the question of torture, expressing concern about the case of Mr. 'Abd al-Rahman Isma'il Ghanimat, Ms. Amira Isma'il Ghanimat and Ms. Rasmiya Isma'il Ghanimat. Mr. 'Abd al-Rahman had allegedly been

tortured whilst in detention. On 4 August 1998 'Abd al-Ghanimat's two sisters, Amira and Rasmiya, were arrested and it is reported that they are also in danger of torture or ill-treatment. It is alleged that during interrogation threats to rape wives or sisters, of detainees have been used to put pressure on men to confess. All three detainees are reportedly held in the General Security Service wing of the Moscobiyya Detention Centre, where there are no special facilities for women. The Special Rapporteur appealed to the Government to investigate the allegations.

Mexico

14. On 24 April 1998 a joint urgent appeal was sent with the Special Rapporteur on the question of torture in regard to the safety of 190 indigenous women from the community of Taniperla, Ocosingo municipality, Chiapas State, who had reportedly been threatened with rape by members of the Movimiento Indígena Revolucionario Antizapatista (MIRA), a paramilitary group alleged to have strong links with the authorities in the region. The threats are reported to have occurred following the detention of 13 people from the community by the Mexican security forces on 11 and 13 April 1998. Following the arrests, the majority of the male population of Taniperla reportedly fled to the surrounding mountains to avoid any confrontation with either MIRA or the security forces. The rape threats have allegedly been made to force the men to come out of hiding. The Special Rapporteur encouraged the Government to investigate the rape threats and bring the alleged perpetrators to justice.

15. By letter dated 29 April 1998, the Government informed the Special Rapporteurs that it had not received any complaints concerning the persons cited. Had such complaints been received, the authorities would have immediately investigated them and provided the necessary protection.

16. By letters dated 22 May and 29 June 1998, the Government provided additional information from the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH), the Attorney General (Procurator General de la República) and the major of Taniperla according to which the national authorities had opened an investigation in response to a complaint from the Mexican League for the Defence of Human Rights (Liga Mexicana por la Defensa de los Derechos Humanos). The CNDH had requested the Governor of Chiapas to take the necessary measures to guarantee the safety of the women concerned. Persons connected with the CNDH had approached the mayor with a view to attending to this matter. They were prevented from investigating the problem by a "self-defence" group set up by the local people to prevent outsiders from entering the area. On that occasion, they had questioned several Zapatista sympathizers in the community who said that they had not received any threats. Members of the Independent Rural Association of Collective Interest of Taniperla (Asociación Rural de Interés Colectivo Independiente) also told the CNDH that they had made no official complaints and they had no knowledge of the women of the community being threatened or attacked. Despite the foregoing, the competent governmental authorities intend to continue to investigate the case.

17. By letter dated 4 August 1998 the Special Rapporteur informed the Government that she had received reports alleging that on 10 July 1998, Ms. Yolanda Castro and Ms. Ines Castro had received death threats in

connection with their activities as defenders of women's rights in Mexico from paramilitaries linked to the State authorities. The two sisters are members of K'inal Antzetik, a Chiapas-based women's advisory group. Members of the group have reportedly received a number of death threats in the past and the office has been kept under surveillance. The Special Rapporteur expressed the hope that the Government of Mexico would guarantee the physical safety of all human rights defenders and take immediate action to bring the alleged perpetrators to trial.

Nepal

18. On 2 September 1998 a joint communication with the Special Rapporteur on the question of torture was sent on behalf of Ms. Bina Karki C, imprisoned in the women's prison of Kathmandu Central Jail. On 11 June 1998, three female prison guards reportedly accused her of making signals with her eyes at a male prison guard. When she denied the accusations, the guards allegedly beat her up, kicking her in the stomach and legs, pulling her hair and dragging her along the ground. The following day she was taken to Bir hospital complaining of severe abdominal pain, weakness and bleeding from the vagina. These complaints appear to be consistent with the Emergency Department medical report. The doctor on duty also reportedly stated that she may have suffered internal bleeding. She was allegedly treated with painkillers but did not receive any further treatment despite the reported deterioration in her condition. It is alleged that an agreement reportedly made by the prison authorities to sanction the guards thought to be responsible, namely Renuka K.C.(Hawaldar), Constable Rupa Rai and Gita Kuwar, has not been followed up. The Special Rapporteur expressed her concern and urged the Government to investigate the incident.

Peru

19. By letter dated 9 November 1998 the Special Rapporteur informed the Government that she had received reports alleging that the climate of harassment and the pressure exerted against human rights defenders in Peru has been worsening. A number of female human rights activists have been subjected to harassment, abductions, attacks and death threats, including Ms. Delia Revoredo Marsano de Mur, Ms. Elba Greta Minaya Calle and Ms. Sofia Macher.

20. Since early 1998 another prominent women's rights activist, currently campaigning against forced sterilization, Ms. Giulia Tamayo León, has allegedly been subjected to several incidents threatening her personal security and that of her family, including physical assault, intrusion upon private property and anonymous threatening telephone calls. Women's groups have been campaigning against a law authorizing the sterilization of women as a means of family planning which was introduced in 1995. The law has allegedly been used to put pressure in particular on poor indigenous women to be sterilized. Furthermore, it is argued that the real motive for the law is not to enhance women's reproductive rights but to reduce birth rates. It is alleged that the incidents against Ms. Tamayo León were attempts by the authorities to intimidate and force her to stop her work against violence against women in the health and public sectors and other issues of women's rights.

Saudi Arabia

21. On 8 October 1997 Ms. Farzana Kauzar, a Pakistani citizen, and her three children were arrested in Dahran. Ms. Kauzar allegedly was not charged with any criminal offence and it is reported that the reason for her detention was an attempt by the authorities to force her husband, wanted in connection with a financial misdealing of his employer, to return to Saudi Arabia. The Special Rapporteur expressed her concern and expressed the hope that the Government would investigate the allegations.

22. By letter dated 21 October 1998 the Government replied that Ms. Kauzar had been frisked before boarding the plane and was found to be carrying documents which concerned the police. It appeared from the documents that one of the two wanted persons was her husband. She was prevented from leaving the country and was given accommodation for herself and her children. The date of 5 September 1998 was fixed for judicial proceedings. The competent authorities allowed Ms. Kauzar and her children to leave Saudi Arabia on 27 August 1998.

Sri Lanka

23. By letter dated 24 September 1998 the Special Rapporteur informed the Government that she had received reports alleging that women and girls of Tamil origin in Northern and Eastern Provinces suffer sexual violence at the hands of the military. The Special Rapporteur transmitted information regarding specific cases described in the following paragraphs.

24. On 25 June 1998, the army chief of the Mirusuvil army camp in the Jaffna peninsula commanded Ms. Kanthasamy Kalanithy (26) to marry one of his soldiers. It is alleged that he forced her to stand in front of 10 soldiers and to choose one. When she refused to do so, he ordered one of his soldiers to put a _poottu_ (a red spot signifying marriage) on her forehead. When she protested, she was allegedly gang-raped by all 10 soldiers and then killed. The army chief refused to hand over her body to a doctor for examination. It is reported that the soldiers have attempted to threaten her parents into silence.

25. With respect to this case, the Government reported that investigations by the Ministry of Defence indicate that Ms. Kanthasamy Kalanithy had committed suicide on 25 June 1998. The next-of-kin have not initiated any judicial investigations. The Security Force Office in Jaffna has denied the allegations of rape made against army personnel.

26. On 16 October 1997 Ms. Thankanayaki (49) was gang-raped and murdered by police and home guards in Amparai in Eastern Province. Members of the security forces had allegedly sexually mutilated her after raping her.

27. With respect to this case, the Government replied that the Ministry of Defence has directed police officials to conduct further investigations and report.

28. On 17 May 1997, at around 11 p.m., Ms. Murugesapillai Koneswary was raped and killed by the police in front of her two-year-old daughter. It is reported that her rapists killed her by exploding a grenade on her abdomen.

The President ordered an inquiry into the crime, which was entrusted to the Criminal Investigation Department; no independent inquiry was made. According to information received, no one has been convicted for the crime.

29. With respect to this case, the Government replied that investigations have been carried out and a magisterial inquest held concerning the alleged rape and murder. The magistrate returned a verdict of homicide on 17 June 1997 and ordered further investigations. The Assistant Superintendent of the Police made an application for the body of the deceased to be exhumed to hold a second post-mortem inquiry. The inquest proceedings are pending and the case should be taken up for examination and verdict on 5 January 1999 once the medico-legal report is available.

30. On 17 March 1997, two sisters Ms. Velan Rasammah (34) and Ms. Velan Vasantha (28), were raped by four soldiers at Thannamunai village, 6 km north of Batticaloa. The armed soldiers, from the Mailampaveli camp had allegedly broken into the women's home at 11 p.m., and viciously assaulted and raped them at gunpoint. The women had to be hospitalized, and were heavily bruised and covered with teeth marks. Both women made a complaint to the local police at Eravur. A further complaint was made to the local Joint Operations Commander. On 22 March four soldiers from the Mayilampaveli army camp were taken into custody. On 28 March an identity parade was held in court and one soldier was picked out. The captain in charge of Mayilampaveli army camp was transferred out of the area shortly after the incident. The four soldiers have been released on bail, despite the case being filed in the magistrate's court of Batticaloa. No further action is known to have been taken.

31. With respect to this case, the Government replied that the police had initiated judicial proceedings before the Batticaloa magistrate's court. The court held an identification parade but the complainants could not identify the suspects. The District Medical Officer of Eravur hospital, who submitted the medico-legal report, stated that there was no evidence of rape. The court discharged the suspects.

32. On 2 May 1996, the bodies of two young sisters and their two brothers were found near Kodikamam junction in Thenmaratchy, Jaffna district. The sisters had allegedly been gang-raped before being killed. It is reported that on 29 April 1996 a group of soldiers had entered their house and asked the young women to come to the army camp to prepare tea for the soldiers. Unwilling to let their sisters go alone with the soldiers the two brothers accompanied them to the army camp. On their way there the brothers were shot and killed by soldiers. The sisters were dragged into the camp, gang-raped and then killed. Allegedly, the bodies were later dumped near Kodikamam junction by the soldiers.

33. With respect to this case, the Government replied that the Ministry of Defence has directed police officials to conduct further investigations and report.

34. On 11 February 1996, during the massacre of 24 villagers at Kumarapuram in Eastern Province, the military forces sexually assaulted and killed two young women. It is reported that Ms. Arumaithurai Tharmaletchumi was dragged

from a shop in the village and taken to the milk collection centre where she was raped before being shot. A 14-year-old boy who tried to stop the soldiers from dragging her away was allegedly shot between his legs. The mutilated body of a pregnant woman was reportedly also found with gunshot wounds. According to information received only low-ranking soldiers faced charges and were subsequently released on bail.

35. With respect to this case, the Government replied that eight soldiers had been brought before the magistrate of Muttur and charged with murder. The alleged incident relating to the rape and murder of Ms. Tharmaletchumy has not been confirmed; however, the Ministry of Defence has directed the relevant authorities to investigate. The case is in progress in the magistrate's court of Muttur.

36. It is alleged that there are mass graves where raped and murdered women have been buried in areas where only the military have access. In particular, a mass grave at Chemmani on the Jaffna peninsula has been reported to exist. The Special Rapporteur encouraged the Government of Sri Lanka to address the legal provisions which reportedly allow the security forces to commit human rights abuses with impunity in order to prevent further incidents of violence against women. Furthermore, the Special Rapporteur expressed her hope that every effort will be made to investigate the alleged incidents and bring the perpetrators to trial and to ensure that they are prosecuted and convicted in a manner consistent with international human rights standards.

37. The Government replied that the allegation concerning the mass grave in Chemmani is being investigated by the Human Rights Commission of Sri Lanka and the Criminal Investigation Department. The President of Sri Lanka has assured the Human Rights Commission of Sri Lanka that the Government will extend its full support and cooperation to its investigations including through obtaining the services of forensic experts. The Attorney-General has stated that human rights organizations could observe the investigations. The Attorney-General's Office is making arrangements to have a magistrate initiate an investigation into the allegations concerning Chemmani. The Government denies that reporting of rape is seen as dangerous and states that there have been several cases of rape investigated by the authorities. The Government reiterates that it has given clear instructions to all members of the armed forces that it will not tolerate any form of sexual violence against women belonging to any ethnic group.

Trinidad and Tobago

38. The Special Rapporteur sent an urgent appeal to the Government on 28 September 1998 concerning Ms. Pamela Ramjattan who was sentenced to death for the murder of her common-law husband, Mr. Alexander Jordon, in May 1995. (The Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on independence of judges and lawyers also communicated their particular concerns.) Ms. Ramjattan testified that she was subjected to domestic violence throughout their eight-year relationship. The particularly violent abuse which Ms. Ramjattan and the children suffered, and the effect of the abuse on her state of mind and her actions, were apparently not taken into account when she was convicted of

murder and sentenced to death. Increasingly, courts around the world have accepted evidence of "battered women's syndrome" in mitigation of charges of murder.

39. It is reported that, on 10 March 1991, Ms. Ramjattan gave birth to her child prematurely; she was not taken to hospital straight away, despite her numerous requests, and a fellow prisoner helped her to deliver her baby in the cell. She was eventually taken to hospital but her baby died soon after arrival.

40. On 9 May 1995, Ms. Ramjattan's trial commenced. Her lawyer, appointed by the legal aid board, did not conduct any investigations or obtain psychiatric evidence.

41. Ms. Ramjattan has been on death row for three years, and in prison for seven years and a half. For the first seven years of her incarceration, she has reportedly been unable to see her children with the exception of her oldest daughter. Her two eldest daughters started to visit their mother in prison a few months ago and have been severely traumatized by the experience. It is alleged that neither Ms. Ramjattan nor her children have received any rehabilitative care or counselling to help them come to terms with the violence to which they were subjected. The Special Rapporteur requested the Government to consider the specific circumstances of the killing of Mr. Alexander Jordon and in particular the violent abuse which Ms. Ramjattan and the children suffered at his hands and the effect of this abuse on her state of mind and her actions. The Special Rapporteur encouraged the Government to exercise the prerogative of mercy in this case.

Tunisia

42. In an urgent appeal dated 30 July 1998, the Special Rapporteur communicated her concern to the Government in regard to the case of Ms. Radhia Nasraoui, a human rights lawyer, and her family who have reportedly been subjected to a pattern of harassment by the security forces on account of her human rights work. On 6 June 1998 an attempt was allegedly made by two security policemen to abduct her daughter. On 12 February 1998, Ms. Nasraoui's office was reportedly ransacked and the majority of her files were removed. On 11 March 1998 she was charged *in absentia* with 11 charges, including belonging to a terrorist group; spreading false information; contempt of court, of public order and of the President of the Republic; and distribution of leaflets. It is reported that on her return from abroad, she was summoned before an examining magistrate and ordered not to leave the capital. Since the end of March, Ms. Nasraoui has reportedly been constantly followed by plain-clothes security police on a motorbike and in two cars, and that on two occasions attempts have been made to run her over. The Special Rapporteur expressed the hope that the Government will investigate these allegations and take immediate action to bring the alleged perpetrators to trial, in order to comply with its international obligations.

43. On 30 September 1998 the Special Rapporteur sent a joint communication with the Special Rapporteur on the question of torture informing the Government that they had received allegations according to which the wives and other relatives of political opponents, both in detention and in exile, had

been subjected to inhuman or degrading treatment. Most often, these persons had been detained for a short period and interrogated, during which they had been mistreated. Such interrogations took place repeatedly, for certain persons several times a week, and even daily, and concerned the relations which the women continued to maintain with their husbands as well as their means of subsistence. The mistreatment occurred in their homes, at police stations, at the offices of the National Guard and at the Ministry of the Interior. The objective of the mistreatment was to force them to cut off all relations with the political opponents; the wives were told to request a divorce. The women were undressed and humiliated, subjected to sexual abuse, threatened with rape and sometimes forced to submit to gynaecological tests. Most had their passports taken away in order to prevent them from joining their husbands abroad. Although most of the women have been able to leave the country to rejoin their husbands in the last 12 months, no investigations have been undertaken of their mistreatment and no compensation paid to the victims. The Special Rapporteur has received information concerning individual cases which is summarized in the following paragraphs.

44. Jalila Jallet was allegedly arrested, interrogated, beaten and tortured in order to force her to divorce her husband, a supporter of al-Nahda who left the country in 1990. At the end of 1991, she was allegedly detained in secret for 17 days during which she was beaten and otherwise mistreated. One of her legs was reportedly broken. After a year of imprisonment, she lost her job and was reportedly obliged to report up to five times a day to the police station, where she was continuously abused. She had recently been able to rejoin her husband in exile.

45. Zohra Sa'd Allah, whose husband left the country in 1995 after having been imprisoned for four years, was mistreated during interrogation. Her house was reportedly searched several times, sometimes at night, by the police. She was recently able to leave the country.

46. Mounia Daikh, a mother of three whose husband also left the country several years ago, was allegedly subjected to similar treatment; she too has left the country.

47. Radhia Aouididi was repeatedly subjected to ill-treatment since her fiancé left the country in 1992. Unable to obtain a passport, she tried to leave the country illegally in September 1996. She was arrested at the airport along with Samia Ben Karmi. They were beaten, mistreated and threatened with rape during their secret detention. They were freed in 1997 and are currently in exile.

48. Naziha Ben Alissa was allegedly tortured in May 1993, some months after having requested a passport to join her husband in exile in France. She was said to have been detained for 12 days in secret at the Sfax police station where she was sexually abused, and in particular made to undress in front of several police officers. She was pressured to sign a request for divorce and had to report daily to the police station. As a result of this treatment, she is said to be mentally ill and suffers anxiety attacks. At present she was with her husband in France.

Turkey

49. By letter dated 26 August 1998 the Special Rapporteur, in a joint communication with the Special Rapporteur on the independence of judges and lawyers, expressed her concern with regard to the case of Ms. Sevil Dalkilic. Ms. Dalkilic was detained in March 1994 and held at the Ankara police headquarters for 15 days. During that time she was allegedly subjected to death threats and torture, including sexual abuse. The Special Rapporteur expressed the hope that the Government will investigate these allegations and ensure respect for basic human rights in all circumstances.

50. With respect to this case, the Government replied that Ms. Sevil Dalkilic was kept in custody for 14 days, in accordance with the relevant articles of the Turkish Code of Criminal Procedure then in force, and was arrested on 17 March 1994. On 7 February 1995, the State Security Court of Ankara sentenced her to 15 years' imprisonment and a fine of 1,920,000 Turkish liras for her membership in an armed gang and for the use of explosives. The verdict was appealed to the Supreme Court of Appeals and the decision of the Ankara State Security Court was upheld on 13 October 1995. Ms. Dalkilic's lawyer submitted allegations that she had been tortured during detention on 8 July 1994 and 14 November 1994. According to the Government, the forensic report issued on 16 March 1994 confirmed that she had not been subjected to torture or ill-treatment.

Annex

CONFIDENTIAL

VIOLENCE AGAINST WOMEN

INFORMATION FORM

INFORMER:

Name of person/organisation: _____

Address: _____

Fax/Tel/E-mail: _____

VICTIM(S):

Name: _____

Address: _____

Date of Birth: _____

Nationality: _____

Sex: _____

Occupation: _____

Ethnic background (if relevant): _____

Marital status: _____

CONFIDENTIAL

THE INCIDENT:

Date: _____ Time: _____

Location/country: _____

Number of assailants: _____

Are the assailant(s) known to the victim? _____

_____

Description of the assailant(s) (include any identifiable features): _____

_____

_____

Description of the incident: _____

_____

_____

Does the victim believe she was specifically targeted because of gender?

If yes, why? _____

_____

_____

Has the incident been reported to the relevant State authorities?

If so, which authorities and when? _____

_____

_____

Actions taken by the authorities after the incident: _____

_____

_____

WITNESSES:

Were there any witnesses? _____

_____

Name/age/relationship/contact address: _____

_____

PLEASE RETURN TO THE SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS, UNITED NATIONS, 1211 GENEVA 10, SWITZERLAND. FAX (41 22) 917 9006